

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald J. Larnard, et al

Application No.: 10/660,157

Filing Date: 9/11/2003

Entitled: NEUROSURGICAL DEVICE  
FOR THERMAL THERAPY

Docket No.: 22521-3CON

Group Art Unit: Not yet Assigned

Examiner: Not yet Assigned

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450, on the date set forth below:

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September 29, 2003

Date of Deposit

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08B. The paragraph(s) marked below are applicable to this Supplemental Information Disclosure Statement.

The attached Form PTO/SB/08B provides a listing of information which may be relevant to the subject application. This Supplemental Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

Applicants note that the subject Application relies on allowed U.S. Patent Application No. 09/971,072, filed 10/04/2001, entitled NEUROSURGICAL DEVICE FOR THERMAL THERAPY, for an earlier effective filing date under 35 U.S.C. §120, and the Information Disclosure Statements submitted in the earlier Application comply with 37 C.F.R. §1.98(a)-(c). All references cited in this Supplemental Information Disclosure Statement were previously cited in Information Disclosure Statements filed in connection with the earlier Application. As such, in accordance with 37 C.F.R. §1.98(d), no copies of patents, publications or other information are included herewith.

**[ X ] (1) The enclosed Supplemental Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.**

[ ] (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

[ ] (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

[ ] (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)

☐ (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)

☐ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The filing of this Supplemental Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

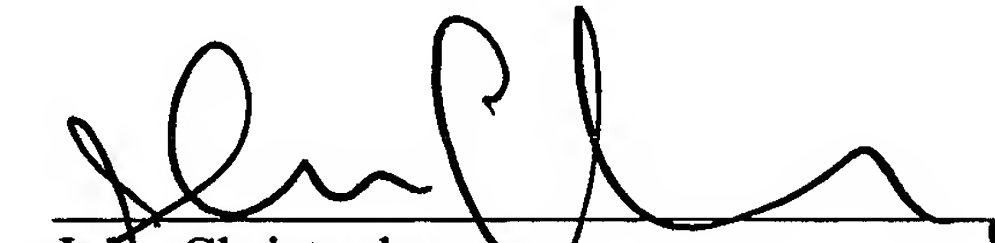
It is respectfully requested that the cited references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08B be initialed and returned to us indicating that such information has been considered.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

Dated: September 29, 2003

By:

A handwritten signature in black ink, appearing to read "John Christopher", is written over a horizontal line.

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<b>Substitute for form 1449B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/660,157
				Filing Date	9/11/2003
				First Named Inventor	Donald J. Larnard, et al
				Group Art Unit	Not yet Assigned
				Examiner Name	Not yet Assigned
Sheet	1	of	1	Attorney Docket Number	22521-3CON

<b>OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Mursky, "On the Use of Complex (Cranial Cerebral and General) Hypothermia in Experiments", Brain Hypothermia, 1965, 4 pgs.	
		Shilo, et al., "Delivery/Dialysis Cannula for Local Superfusion of Brain Structures at Cranial Cerebral Hypothermia", Collection of Scientific Works, 1988, 3 pgs.	
		Rybakov, "Method of Intra-Ventricle Hypothermia of Brain", 3 pgs.	
Examiner Signature			Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents Washington, DC 20231.